

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
Rogers Group, Incorporated)	FINDING OF VIOLATION
Bloomington, Indiana)	
)	EPA-5-00-IN-06
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Rogers Group, Incorporated (Rogers Group) is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Specifically, Rogers Group is violating the Standards of Performance (NSPS) for the General Provisions at 40 C.F.R. Part 60, Subpart A; Standards of Performance for Hot Mix Asphalt Facilities at 40 C.F.R. Part 60, Subpart I; and Standards of Performance for Nonmetallic Mineral Processing Plants at 40 C.F.R., Part 60, Subpart 000 as follows:

Regulatory Authority

1. The General Provisions for the NSPS applies to all facilities that are subject to any NSPS.
2. 40 C.F.R. Part 60 § 60.8(a) requires within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the administrator under Section 114 of the Act, the owner or operator of the facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
3. 40 C.F.R. Part 60 § 60.11(d) requires at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used

will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

4. The NSPS for Hot Mix Asphalt Plant provides that all facilities that commenced construction or modification after June 11, 1973 are subject to Subpart I.

5. 40 C.F.R. Part 60 § 60.92(a)(1) requires on and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which: contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).

6. The NSPS for Standards of Performance for Nonmetallic Mineral Processing Plants provides that all facilities under paragraph § 60.670(a) that commenced construction, reconstruction or modification after August 31, 1983 are subject to Subpart 000.

7. 40 C.F.R. Part 60 § 60.672(b) requires on and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.

Findings of Fact

8. Rogers Group owns and operates a Crushed Stone Plant, a Specialty Products Plant, e.g., nonmetallic mineral processing facilities, and a Hot Mix Asphalt Plant at 1100 North Oard Road, Bloomington, Indiana.

9. Rogers Group's Tail of the 3 North Conveyor at the Crushed Stone Plant is subject to the requirements at 40 C.F.R. § 60.672(b) since it was constructed after August 31, 1983. The Tail of the 3 North Conveyor was constructed on March 3, 1996.

10. Rogers Group's Hot Mix Asphalt Plant is subject to the requirements at 40 C.F.R. § 60.92(a)(1) since the following equipment was constructed after June 11, 1973: Asphalt Plant-

January 1, 1985, Dryer/Burner-July 23, 1997, and 200 ton Surge Silo, (2) 36" Incline Traverse Slat Conveyors, 36" Drag Slat Conveyor, Under Pugmill Drag Slat Conveyor, and (3) Bin Loading Batchers for (2) 200 ton Storage Silos & (1) 200 ton Surge Silo-December 15, 1995.

Violations

11. The following source was not performance tested within 60 days of startup, but no later than 180 days after startup, pursuant to 40 C.F.R. § 60.8(a):

Bloomington Crushed Stone equipment not performance tested- 5'x14' S.D. Scalp Screen, Surge Bin, Vibrating Grizzly Feeder, 42 x 48 Jaw Crusher, #1A Conveyor/42", #2A Conveyor/42", #3A Conveyor/42", 6 x 16 TD Scalp Screen, #4A Stacking Conveyor, #5A Conveyor/42", #6A Conveyor/42", #10A Conveyor/36", #9A Conveyor, Stedman Impactor Crusher 60", #3 Conveyor Stedman Discharge [36" x 75' Truss], #3 Screen Hewitt-Robins 5' x 14' TD, #10 Conv/Truss 3/8" minus to #9 Conv, #11 Conv/Channel Oversize to Cones, #12 Conv/Channel 3/8" minus to #10 Conv, #13 Conv/Channel 1/2" mat to #6 Conv, #14 Conv/Channel oversize to Cones, #15 Conv/Channel dust to #10 Conv, #16 Conv/Channel/mat to #6 & #7 Screen, #17 Channel Conveyor 14" x 18", Tunnel Conveyor, and Pugmill Conveyor.

12. The following source was not performance tested within 60 days of startup, but no later than 180 days after startup, pursuant to 40 C.F.R. § 60.8(a):

Bloomington Specialty Products equipment not performance tested- Industrial Feed Hopper and Feeder Belt, Conveyor [Industrial Feed Hopper] Pneumatic Conveyor System, Bins, Air Separator, Scalping Screen, Belt Conveyors, Bucket Elevator #2, 400 Manu. Sand Bin, 24 Manu. Sand Conveyor, 40 ton 60m x 200m Bin, Hopper & Feed Belt, and 50# Sack Bagger.

13. Rogers Group performed a stack test on its Hot Mix Asphalt Plant on October 2, 1997, using Methods 1-5 and the following results show that the source exceeded the particulate matter standard for hot mix asphalt facilities set forth in 40 C.F.R. § 60.92(a)(1):

Stack Test Results

<u>Run Number</u>	<u>PM Conc (gr/dscf)</u>	<u>PM Conc Limit (gr/dscf)</u>
1	0.1908	
2	0.2036	
3	<u>0.2030</u>	
Avg	0.1991	<u>0.04</u>

14. The Hot Mix Asphalt Plant was not operating with good air pollution control practices based on the data in paragraph 13 above, pursuant to 40 C.F.R. § 60.11(d).

15. U.S. EPA collected the opacity data at Rogers Group's Crushed Stone Plant on April 7, 1999, using Method 9 readings and the following results show the source exceeded the opacity standard for nonmetallic mineral processing plants set forth in 40 C.F.R. § 60.672(b).

Tail of 3 North Transfer Point

<u>Set Number</u>	<u>Opacity (%)</u>	<u>Opacity Limit (%)</u>
1	31.3	10
2	44.2	
3	45.6	
4	49.8	
5	55.6	

16. 3 North Conveyor Belt at the Crushed Stone Plant was not operating with good air pollution control practices based on the data in paragraph 15 above, pursuant to 40 C.F.R. § 60.11(d).

Finding of Violation

The Administrator of U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Indiana and Rogers Group, Incorporated, Bloomington, Indiana that Rogers Group, Incorporated is in violation of the General Provisions, Standards of Performance for Hot Mix Asphalt Facilities, and the Standards of Performance for Nonmetallic Mineral Processing Plants in the New Source Performance Standards as set forth in this Finding of Violation.

12/16/99
Date

Margaret M. Guerriero
Margaret M. Guerriero,
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Notice of Violation, No EPA-5-00-IN-06 and Finding of Violation, No. EPA-5-00-IN-05 was sent by Certified Mail, Return Receipt Requested, to:

Mike Carnett, Engineering Manager
Rogers Group, Incorporated
P.O. Box 849
Bloomington, Indiana 47402-0849

I also certify that copies of the Notice of Violation and Finding of Violation were sent by first class mail to:

David P. McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46206-6015

on the 17th day of December 1999.

Betty Williams
Betty Williams, Secretary
AECAS (IL/IN)

P 140895493
CERTIFIED MAIL RECEIPT NUMBER